

**MINUTES OF CITY COUNCIL REGULAR MEETING  
CITY OF SAN MARCOS  
FEBRUARY 7, 2012**

STATE OF TEXAS           §  
                                     §  
COUNTY OF HAYS       §

**1. Present:**

Mayor Daniel Guerrero

**Council:**

Shane Scott  
Jude Prather  
John Thomaides  
Kim Porterfield  
Ryan Thomason  
Wayne Becak

**City Staff:**

James Nuse, City Manager  
Laurie Moyer, Assistant City Manager  
Michael Cosentino, City Attorney  
Jamie Lee Pettijohn, City Clerk  
Tammy Cook, Deputy City Clerk

**2. Call to Order and Announce a Quorum is Present**

With a quorum present, the regular meeting of the San Marcos City Council was called to order by Mayor Daniel Guerrero at 5:36 p.m. on Tuesday, February 7, 2012 in the Council Chambers of the City of San Marcos City Hall, 630 East Hopkins, San Marcos, Texas 78666.

**3. Executive Session**

Under the authority of Texas Government Code, Section §551.074-Personnel Matters, discuss City Clerk's 6 Month Evaluation.

**4. Consider adoption or direction to Staff on matters discussed in Executive Session.**

The San Marcos City Council reconvened into regular session at 6:40 p.m. on Tuesday, February 7, 2012. The City Council provided direction to the City Clerk in executive session.

## **5. Invocation**

Pastor John McComb with San Marcos Community Church provided the invocation.

## **6. Pledges of Allegiance – United States and Texas**

Caleb Guenther a 4<sup>th</sup> grade student at the Master's School led the assembly in the pledges of allegiance.

## **7. 30 Minute Citizen Comment Period**

Lee Ash-Cantu, 7107 Maverick Ct, Buda TX, addressed the Council regarding development and protecting the environment. She addressed the riparian zones and sang a song.

Ruben Garza, 518 S. Guadalupe, spoke to the Council regarding the CDBG item (13) and the involvement of Southside Community Center and how they benefit and use those dollars for the betterment of the community. He asked that the Council continue to fund this program.

Dianne Wassenich, 11 Tanglewood, spoke regarding the additional signed petitions seeking a moratorium on multi-family development within single family neighborhoods.

Jaimy Breihan, 134 E. Hillcrest, stated that he had been researching how we came to approve having 6 homes per acre in a watershed area. He also stated that he was in support of item 16 regarding the discussion about amendments to the LDC to prohibit the reduction of boundary lines in order to defeat a zoning protest petition.

Melissa Derrick, 109 Kathryn Cove, distributed a map that plots the addresses of all the individuals that have signed the petition requested a moratorium on multi-family. She asked the Council to put a moratorium in place and to use intelligent growth and what was promised in the Master Plan.

Cori Schwartz, 101 W. Mimosa Circle, spoke in favor of item 16, and also addressed the Council regarding the need for improved watershed protections.

## **CONSENT AGENDA**

### **8. Consider approval of the January 17, 2012, Regular Meeting Minutes.**

**9. Consider approval of Resolution 2012-11R approving a Capital Improvement Agreement between the City of San Marcos, Hays County and Cottonwood Creek JDR, Ltd. providing for the extension of and improvements to Rattler Road with participation by the City in an estimated amount of \$1,070,000.00; authorizing the City Manager to execute this amendment on behalf of the City; and declaring an effective date.**

**10. Consider approval of Resolution 2012-12R approving the procurement of professional services from Cooper Consulting Company in order to upgrade the current Maximo Computerized Maintenance Management System for the City's Public Service Department**

**in the amount of \$164,986.00 through the Texas Comptroller of Public Account's Department of Information Resources ("DIR") Deliverables Based Information Technology Services ("DBITS") Program (contract DIR-SDD-866); authorizing the Purchasing Manager to execute the appropriate purchasing documents on behalf of the City and declaring an effective date.**

**MOTION:** Upon a motion made by Council Member Scott and a second by Council Member Prather the City Council voted (7) for and (0) opposed to approve the consent agenda, with the exception of Item 9 which was pulled and considered separately. The motion carried unanimously.

**(9) MOTION:** Upon a motion made by Council Member Thomason and a second by Council Member Porterfield the City Council voted (6) for and (0) opposed (1) abstention, Council Member Prather abstained to avoid the appearance of impropriety, to approve Resolution 2012-11R as captioned. The motion carried.

## **PUBLIC HEARINGS**

**11. Receive a Staff presentation and hold a Public Hearing to receive comments and consider a request by ETR Development Consulting on behalf of Lazy Oaks Ranch, LP, for a petition for a development agreement for approximately 1396.9 acres out of the W. Burke Survey, Abstract No. 68, the W. Smithson Survey, Abstract No. 419, the J Williams Survey, Abstract No. 43, and the J. Huffman Survey, Abstract No. 228, located off of Ranch Road 12 west of Wonderworld Drive.**

Matthew Lewis, Development Services Director, provided a presentation regarding the project and that notified Council that they were looking for only direction tonight that this was not the negotiated deal.

Following the presentation Mayor Guerrero opened the Public Hearing at approximately 7:17 p.m.

Robert Mooney, 2505 Great Oaks Dr, addressed Council as a CONA representative and notified Council that on February 2, 2012, CONA passed a resolution supporting a petition not to approve any requests for re-zoning adjacent to existing neighborhoods until the new Master Plan is approved. He asked that Staff suspend accepting applications for multi-family rezoning in and around adjacent neighborhoods.

Thomas Rhoades, ETR Development Buda, TX, respectfully asked that Council provide the okay to move forward on negotiation for a development agreement.

Dianne Wassenich, 11 Tanglewood, stated that the proposed development is in the recharge zone and stated that Staff really needs to understand Edward's Aquifer laws regarding development in the Recharge Zone before beginning negotiations.

Ted Ingwersen, 124 W. Hillcrest, asked that Council not approve this item, and they don't approve it until the new Master Plan is in place.

There being no comments, the Public Hearing was closed at 7:25p.m.

**MOTION:** Upon a motion made by Council Member Prather and a second by Council Member Thomason the City Council voted (7) for and (0) opposed, to approve the petition for a development agreement and create a subcommittee composed of Council Members Thomason, Becak, and Thomaides to work with Staff and the developer, as previously captioned. The motion carried unanimously.

## **NON-CONSENT AGENDA**

**12. Consider approval of Ordinance 2012-11, on the first of two readings, amending the Traffic Register maintained under Section 82.067 of the San Marcos City Code by amending the speed limit in both directions of the following streets in the Cottonwood Subdivision from 30 miles per hour to 25 miles per hour: Monterrey Oak, Goldenrod Drive, Wild Plum, Brazoria Trail, and Wisteria Way; and including procedural provisions**

**MOTION:** Upon a motion made by Council Member Becak and a second by Council Member Prather, the City Council voted (7) for and (0) opposed, to approve Ordinance 2012-11, as previously. The motion carried unanimously.

**13. Receive a Staff presentation and hold discussion regarding the 2012 Community Development Block Grant Program, and provide direction to Staff.**

Janis Hendrix, Community Initiative Administrator, provided the Council with an overview presentation. Following discussion, Council directed Staff to add Public Services to the consolidated plan as a priority.

**14. Discuss and Consider Appointments to the Hays Caldwell Public Utility Agency (HCPUA) Public Advocacy Committee and Interim Water Supply Committee, and provide direction to staff.**

**MOTION:** Upon a motion made by Council Member Porterfield and a second by Council Member Scott, the City Council voted (7) for and (0) opposed, to appoint Tom Taggart to the HCPUA Public Advocacy Committee and Interim Water Supply Committee. The motion carried unanimously.

**15. Discuss and consider appointments to the Core Four Education Committee (City of San Marcos, Hays County, Texas State, and San Marcos Consolidated Independent School District), and provide direction to staff.**

**MOTION:** Upon a motion made by Council Member Thomason and a second by Council Member Becak, the City Council voted (7) for and (0) opposed, to appoint Mayor Guerrero,

Council Member Porterfield, and Nina Wright to the Core Four Education Committee. The motion carried unanimously.

**16. Hold a discussion regarding amendments to the Land Development Code to prohibit the reduction of proposed rezoning Boundary Lines in order to defeat a Zoning Protest Petition, and provide direction to Staff.**

Council Member Thomaides led the discussion. Following brief discussion, Council directed Staff to move forward with drafting ordinance language for both Planning and Zoning and City Council to consider.

**17. Discuss and consider an appointment to fill a vacancy on the Greater San Marcos Partnership Board of Directors, and provide direction to staff.**

**MOTION:** Upon a motion made by Council Member Thomason and a second by Council Member Porterfield, the City Council voted (7) for and (0) opposed, to appoint Council Member Wayne Becak to the Greater San Marcos Partnership Board of Directors. The motion carried unanimously.

**18. Receive Quarterly Report from the Greater San Marcos Economic Development Corporation, and provide direction to staff.**

Amy Madison, President of the San Marcos Economic Development Corporation, presented the quarterly report from the Greater San Marcos Economic Development Corporation.

**19. Discussion and direction to staff on the use of City-owned land to develop new industrial flex space through public-private partnerships.**

**MOTION:** Upon a motion made by Council Member Thomaides and a second by Council Member Porterfield, the City Council voted (7) for and (0) opposed, to postpone the discussion indefinitely. The motion carried unanimously.

**20. Discussion and direction to Staff to receive recommendation on incentivizing speculation rental space for medical office tenants through a 380 agreement.**

Amy Madison, President of the San Marcos Economic Development Corporation, provided a brief presentation. Following discussion, Council provided consensus to move forward.

**21. Receive Quarterly Leadership Forum with update regarding current status of Strategic Initiatives and provide direction to Staff.**

Dr. Richard Lewis provided a brief explanation and asked for the Council's direction on moving forward. Council consensus was to score the 2011 accomplishments separately and provide them back to either Stephanie Reyes or Dr. Lewis. Council also provided consensus that they would like for Staff to bring the 2012 proposed initiatives back at a later time either piece by

piece at a series of 5:30PM workshops prior to Council Meetings or during the budget workshops.

**22. Question and Answer Session with Press and Public. *This is an opportunity for the Press and Public to ask questions related to items on this agenda.***

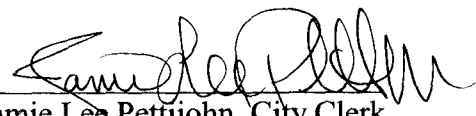
None.

**23. Adjournment.**

**MOTION:** Upon a motion made by Council Member Thomason and a second by Council Member Becak, the City Council voted seven (7) for and none (0) opposed, to adjourn the regular meeting of the San Marcos City Council at 9:50 p.m. on Tuesday, February 7, 2012. The motion carried unanimously.

  
Daniel Guerrero, Mayor

Attest:

  
Jamie Lee Pettijohn, City Clerk